




Ordinance #2020- 04

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Molly O'Connor
Jefferson County Recorder IN
Recorded as Presented


WHEREAS, the Board of Commissioners of Jefferson County, State of Indiana desire to provide for the public health and safety of the citizens of Jefferson County by reducing the trash, junk, weeds, and storage of junk vehicles within Jefferson County.

NOW, THEREFORE, be it Ordained and Enacted by the Board of Commissioners of Jefferson County, State of Indiana, as follows

A. Purpose

The purpose of this exterior property maintenance code is to protect the public health, safety, and general welfare as it pertains to premises and buildings used for residential, commercial, and industrial purposes. This protection is hereinafter provided by:

1. Establishing minimum standards for maintaining residential, commercial, and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises and its negative impact on the value of surrounding properties; and eliminating hazardous condition.
2. Fixing the responsibilities of owners, operators and occupants of structures and their premises.
3. Providing for administration, enforcement, and penalties.

B. Interpretation

The provisions of this code shall be interpreted and applied as minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Indiana Code. Nothing in this code shall be construed to abrogate the federal or state Constitutions, nor grant powers to the county that are otherwise reserved by and for federal and state government.

C. Definitions

1. **ENFORCEMENT OFFICER** Enforces Property Maintenance for the County and appointed by Board of Commissioners.
2. **EXPOSED TO PUBLIC VIEW** Any premises or any part thereof, which may be lawfully viewed by the public or adjoining premises.
3. **EXTERIOR** Yard and other open outdoor spaces on premises, and the external surfaces of any structure.

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4. **FARM** An area used for agricultural operations including truck, gardening, forestry, crop productions, aquaculture, the operation of a tree or plant nursery, or the production of livestock and poultry.
5. **JUNK** Old and dilapidated modes of conveyance such as automobiles, trucks, watercraft, and other such vehicles and parts thereof; household appliances, scrap building material, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron machinery, rags, paper, excelsior, hair, mattresses, beds, and bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed. Specifically excluding farm vehicles and equipment.
6. **OWNER** Any person who, alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.
7. **PREMISES** A lot, plot, or parcel of land together with the structures thereon.
8. **PUBLIC AUTHORITY** Any officer of any department or branch of the county or state charged with regulating health, fire, law enforcement, or building regulations or other activities concerning property in the county.
9. **RESPONSIBLE PARTY** Any person having possession, charge, care or control of real or personal property, whether with or without knowledge and consent of the owner, including without limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee, or vendee in possession, receiver, executor, trustee, lessee, or tenant, or any other person, firm or corporation exercising apparent control over a property.
10. **VEHICLE** Any device designed to transport a person or property by land, air or water, such as automobiles, trucks, trailers, motorcycles, buggies, boats, airplanes, bicycles or any combination thereof.
11. **INOPERABLE VEHICLE** Any vehicle that is not licensed for the current year as required by law or which exhibits any of the following characteristics: cannot legally travel on public street due to broken, damaged or missing windshield or other glass customary to the vehicle, fender, door, bumper, hood, wheel, steering wheel or exhaust system; lacking an engine or other means of power suitable to the design, one or more wheels, or other structural parts which renders the vehicle incapable of both forward and reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or any other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition. Specifically excluding farm vehicles and equipment.

D. Violations

Each and every premise shall be kept free of all health, safety, fire and infestation hazards. It shall be the duty of the responsible party to keep the premises free of these conditions and promptly remove and abate the same. Any responsible party who causes, allows, or otherwise fails to abate the following offences shall be deemed to be in violation of this Section:

1. Four (4) or more Inoperable Vehicles Exposed to Public View
2. Junk Exposed to Public View

E. Enforcement

The objective of this code being the abatement of violations, persons violating this code shall be allowed a reasonable amount of time to voluntarily remedy the violation before an action to assess costs or penalties for a violation are commenced. Assessment of the persons good-faith effort to correct the violation and the amount of time that should be allotted for voluntary remedy shall be determined based upon factors including, but not limited to: whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors. Violations which are not voluntarily remedied may be abated by an abatement process, or by county abatement and assessment of cost therefor against the responsible party, at the discretion of the county.

F. Complaints

1. Written Verified Complaint

Any persons may file a written complaint whenever a violation of this code occurs or is alleged to have occurred. The complaint shall contain the following:

- a. The address of the property containing a violation
- b. A full and accurate description of a violation including a photograph of the violation condition.
- c. The address and phone number of the complainant.
- d. The signature of the complainant verifying the truth of the complaint.

2. Investigation and Notice of Complaint

Upon receiving a complaint, the Board of Commissioners shall have the Enforcement Officer to investigate said complaint and determine what action if any is to be taken. If there is a clear violation of the Exterior Property Maintenance Code, the Enforcement Officer shall provide the responsible party with notice of the complaint, the violation to be remedied and the time allotted for the remedy of the violation in the following manner:

- a. By personal service upon the owner or other responsible party of the property upon which the nuisance exists, or upon the person or persons causing or maintaining the violation. If contact is made with the owner or responsible party, the Enforcement Officer may negotiate a timely manner for the violations to be corrected.
- b. If, after reasonable effort, personal service cannot be made, any of the following methods of service shall be considered adequate:
 - (i) Sending the notice by registered or certified mail, return receipt requested to the last known address of the owner or responsible party.
 - (ii) Publishing the notice once a week for two consecutive weeks in a newspaper of general circulation in the County of Jefferson, Indiana.
 - (iii) By posting the notice in a conspicuous place on the property or building deemed as a nuisance and send a copy of the notice by regular mail.

When all methods of notification for violations have been exhausted, the Enforcement Officer shall submit his findings to the Jefferson County Board of Commissioners for further action.

G. Abatement, Remedies and Penalties

In the event that the violation is not abated as ordered and within the time specified:

1. The Enforcement Officer may recommend enforcement of this Section to the Jefferson County Board of Commissioners.
2. The County Commissioners may provide the responsible party or owner notice and opportunity for hearing before the County Commissioners. The notice shall set forth the proposed abatement and proposed assessment of costs, and shall include a statement of the time, place and date of hearing.
3. The County Commissioners may authorize the enforcement of this Section by resort to legal action in the Jefferson County Circuit or Superior.
4. The Board of Commissioners may seek the remedies of the abatement and assessment of the violation in any reasonable manner including, but not limited to:
 - a. By ordering the responsible party or owner to abate the violation by specified means and within specified times.
 - b. By the County undertaking the abatement and assessing the cost thereof against the property and property taxes.

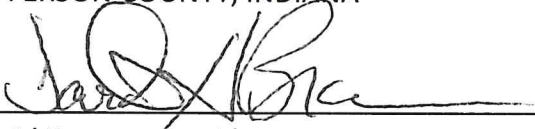
- c. By the abatement being made by a qualified third party and assessing the cost thereof against the property and property taxes.
- d. By placement of a judgement against the property for the estimated reasonable costs of abatement of the property prior to abatement.

Abatement may include but is not limited to repair, removal, cleaning, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement cost may include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification filing cost; and other related administrative costs. Abatement cost may be assessed against the premises in the same manner as a property tax.

This ordinance shall become effective immediately.

Adopted this 4th Day of June, 2020.

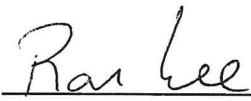
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JEFFERSON COUNTY, INDIANA



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